

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:17-cv-24367-JEM**

Kocaya v. Duke et al
Assigned to: Judge Jose E. Martinez
Referred to: Magistrate Judge Alicia M. Otazo-Reyes
Cause: 05:0552 Freedom of Information Act

Date Filed: 11/28/2017
Date Terminated: 11/19/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

David Kocaya

represented by **David Kocaya**
21765-279
Miami FCI
Federal Correctional Institution
Inmate Mail/Parcels
Post Office Box 779800
Miami, FL 33177
PRO SE

V.

Defendant

Elaine Duke

Acting Secretary for Department of Homeland Security

Defendant

Department of Homeland Security

Defendant

Bureau of Immigration and Customs Enforcement

Date Filed	#	Docket Text
11/28/2017	1	COMPLAINT against Bureau of Immigration and Customs Enforcement, Department of Homeland Security, Elaine Duke, filed by David Kocaya. Filing fees \$ 400.00. NOT PAID/NO IFP FILED. (Attachments: # 1 Exhibit)(kpe) (Entered: 12/04/2017)
11/28/2017	2	Clerks Notice of Judge Assignment to Judge Jose E. Martinez and Magistrate Judge Patrick A. White. < (kpe) Modified text on 12/5/2017 (jc). (Entered: 12/04/2017)
12/04/2017		SYSTEM ENTRY – Docket Entry 3 [motion] restricted/sealed until further notice. (nc) (Entered: 12/04/2017)
12/05/2017		Magistrate Judge Patrick A. White no longer assigned to case. Magistrate Judge Alicia M. Otazo-Reyes added. (jc) (Entered: 12/05/2017)
12/05/2017	4	Clerks Notice of Docket Correction re 2 Clerk's Notice of Judge Assignment. Incorrect Magistrate Judge Selected ; Corrected by the Clerk. (jc) (Entered: 12/05/2017)
12/05/2017	5	Clerks Notice re: Filing Fee in the amount of \$ 400.00 – Outstanding/Pending. (jmd) (Entered: 12/05/2017)

03/06/2018	<u>6</u>	NOTICE of Filing Civil Cover Sheet by David Kocaya re <u>1</u> Complaint (mc) (Entered: 03/06/2018)
05/15/2018	<u>7</u>	NOTICE of Inquiry (copy of docket sheet mailed)by David Kocaya (mee) (Entered: 05/15/2018)
06/04/2018	<u>8</u>	NOTICE of Inquiry (copy of docket sheet mailed) by David Kocaya (mee) (Entered: 06/04/2018)
06/29/2018	<u>9</u>	MOTION for Leave to Proceed in forma pauperis by David Kocaya. (mee) (Entered: 07/02/2018)
07/03/2018	<u>10</u>	ORDER Of Reference To Magistrate Judge Alicia M. Otazo-Reyes for Report and Recommendation. Signed by Judge Jose E. Martinez on 7/3/2018. <i>See attached document for full details.</i> (vmz) (Entered: 07/03/2018)
07/05/2018	<u>11</u>	NOTICE of Filing Proposed Summons(es) by David Kocaya re <u>1</u> Complaint filed by David Kocaya (mee) (Entered: 07/05/2018)
10/19/2018	<u>12</u>	NOTICE of Inquiry (copy of docket sheet mailed)by David Kocaya (mee) (Entered: 10/19/2018)
12/17/2018	<u>13</u>	ORDER denying without prejudice <u>9</u> Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 12/17/2018. <i>See attached document for full details.</i> (jsa) Updated docket text that does not apply to this case on 12/17/2018 per chambers(mf). (Entered: 12/17/2018)
01/10/2019	<u>14</u>	MOTION to compel defendant to documents Reconsideration/Plaintiffs Extraordinary Prerogative Writ of Mandamus re <u>13</u> Order on Motion for Leave to Proceed in forma pauperis, by David Kocaya. (mee) Modified text on 1/11/2019 (mr1). (Entered: 01/10/2019)
01/10/2019	<u>15</u>	MOTION For Any/A11 Forms Of Discovery For Disclosure Of A11 Exculpatory/EXculpatory Evidence; &, A11 Incorporated Affidavits, Declarations & Statements Of 'Authority Jurisdiction/Venue by David Kocaya. (cqs) (Entered: 01/11/2019)
01/10/2019	<u>16</u>	APPEAL of Magistrate Judge <u>13</u> Order on Motion for Leave to Proceed in forma pauperis, to District Court (hh) (Entered: 01/11/2019)
01/11/2019	<u>17</u>	ORDER OVERRULING PLAINTIFF'S RULE 72 OBJECTIONS overruled and denying <u>16</u> Appeal/Objection of Magistrate Judge Order to District Court. <u>13</u> is affirmed. Signed by Judge Jose E. Martinez on 1/11/2019. <i>See attached document for full details.</i> (mee) (Entered: 01/14/2019)
01/23/2019	<u>18</u>	ORDER TO SHOW CAUSE. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 1/23/2019. <i>See attached document for full details.</i> (jsa) (Entered: 01/23/2019)
02/05/2019	<u>19</u>	RESPONSE TO ORDER TO SHOW CAUSE re <u>18</u> Order to Show Cause by David Kocaya. (mee) (Entered: 02/05/2019)
02/05/2019	<u>20</u>	ORDER re <u>19</u> Response to Order to Show Cause. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 2/5/2019. <i>See attached document for full details.</i> (jsa) (Entered: 02/05/2019)
02/27/2019	<u>21</u>	Clerks Notice of Receipt of Filing Fee received on 2/27/2019 in the amount of \$ 400.00, receipt number FLS100182160. (vt) (Entered: 02/27/2019)
04/08/2019	<u>22</u>	ORDER denying without prejudice <u>14</u> MOTION to compel; denying without prejudice <u>15</u> MOTION For Any/A11 Forms Of Discovery. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 4/8/2019. <i>See attached document for full details.</i> (jsa) (Entered: 04/08/2019)

05/06/2019	<u>23</u>	NOTICE of Compliance by David Kocaya re <u>22</u> Order on Motion to Compel,, Order on Motion for Miscellaneous Relief, (Attachments: # <u>1</u> Exhibit) (mee) (Entered: 05/07/2019)
05/06/2019	<u>25</u>	Summons Issued as to Department of Homeland Security. (mee) (Entered: 05/07/2019)
05/07/2019	<u>24</u>	NOTICE of Filing Proposed Summons(es) by David Kocaya re <u>22</u> Order on Motion to Compel,, Order on Motion for Miscellaneous Relief, (Attachments: # <u>1</u> Summon(s)) (mee) (Entered: 05/07/2019)
05/14/2019	<u>26</u>	NOTICE of Inquiry (copy of docket sheet and summons issued mailed) by David Kocaya (mee) (Entered: 05/15/2019)
08/01/2019	<u>28</u>	MOTION for A Hearing to This Court, To Show & Demonstrate Their Cause & Scope of Their Arguments by David Kocaya. (Attachments: # <u>1</u> Exhibit) (nc) (Entered: 08/13/2019)
08/06/2019	<u>27</u>	MOTION for Default/Summary Judgment by David Kocaya. Responses due by 8/20/2019 (mee) (Entered: 08/06/2019)
09/13/2019	<u>30</u>	NOTICE/ "Appendant" for their criminal complaint citation for violations of their 1787–1791 Guaranteed U.S. Constitution Substantive Rights by David Kocaya (lh) (Entered: 09/16/2019)
09/13/2019	<u>31</u>	MOTION for Hearing to This Court, To Show & Demonstrate Their Cause & Scope of Their Arguments by David Kocaya. (nc) (Entered: 09/16/2019)
09/16/2019	<u>29</u>	NOTICE of Filing Discovery: Letter Request for production of Documents by David Kocaya. (Attachments: # <u>1</u> Exhibit)(lh) (Entered: 09/16/2019)
09/16/2019	<u>32</u>	ORDER denying <u>27</u> Motion for Summary Judgment; denying <u>28</u> Motion for Hearing; denying <u>31</u> Motion for Hearing. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 9/16/2019. <i>See attached document for full details.</i> (jsa) (Entered: 09/16/2019)
10/03/2019	<u>33</u>	MOTION for Reconsideration re <u>32</u> Order on Motion for Summary Judgment, Order on Motion for Hearing, by David Kocaya. (Attachments: # <u>1</u> Exhibit)(mee) (Entered: 10/03/2019)
10/04/2019	<u>34</u>	PAPERLESS ORDER denying <u>33</u> Motion for Reconsideration. Failure to timely serve Defendants will result in dismissal without prejudice, without further notice. Signed by Judge Jose E. Martinez on 10/4/2019. (mws) (Entered: 10/04/2019)
10/08/2019	<u>35</u>	REQUEST for A Ex Parte Judgment by Nibil Dicit by David Kocaya. (nc) (Entered: 10/08/2019)
10/08/2019	<u>36</u>	REQUEST A Nil Dicit No–Answer Default Judgment In Rem by Nibil Dicit Judgment by David Kocaya. (nc) (Entered: 10/08/2019)
11/06/2019	<u>37</u>	Letter re unable to file motion due to wide lock down from David Kocaya (mee) (Entered: 11/06/2019)
11/08/2019	<u>38</u>	Ex Parte MOTION to Appoint Marshal to Serve Summons and Complaint by David Kocaya. Responses due by 11/22/2019 (Attachments: # <u>1</u> Exhibit, # <u>2</u> Supplement)(mee) (Entered: 11/12/2019)
11/19/2019	<u>39</u>	ORDER DENYING MOTION TO APPOINT U.S. MARSHAL TO SERVE PROCESS AND DISMISSING CASE WITHOUT PREJUDICE. Closing Case. Denied as moot: <u>35</u> MOTION for Judgment filed by David Kocaya,denied <u>38</u> MOTION for Appointment of Special Process Server filed by David Kocaya, <u>36</u> MOTION A Nil Dicit No–Answer Default Jugment In Rem by Nibil Dicit Judgment filed by David Kocaya. Signed by Judge Jose E. Martinez on 11/18/2019. <i>See attached document for full details.</i> (mee) (Entered: 11/19/2019)